

Applicant : Allan T. Priore  
Appl. No. : 10/730,706  
Page No. : 10

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### REMARKS

Applicant respectfully requests reconsideration of the application identified above. Claims 1-15 and 22 are pending; claims 1-2, 4 and 9-10 are amended; and claim 22 is new. The rejections as conceivably applied to the pending claims are respectfully traversed.

#### I. Drawing Objections

The drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they allegedly do not include “reference signs” mentioned in the description. Applicant respectfully submits that the numbers identified by the examiner are *not* drawing reference numerals. Instead, they are common nomenclature that physical therapists and doctors use to refer to the first through the fifth (1-5) digits, joints, or metacarpals. One of ordinary skill in the art would readily understand, for example, that digit 1 corresponds to the thumb, digit 2 corresponds to the pointing finger, etc. Applicant respectfully submits that the drawing objections should be withdrawn in view of this information.

#### II. Specification Objections

As previously presented, the examiner objected to the disclosure, stating that the vector addition did not appear to correspond with the vector addition as understood by the examiner. Applicant’s representative has reviewed the specification and amended the relevant force discussion to clarify that the force vectors are characterized as forces to comply with the examiner’s concerns. Throughout the original disclosure, it is evident that the words “force” and “force vector” were used interchangeably; therefore, it is submitted that this does not change the content of the specification.

Applicant : Allan T. Priore  
Appl. No. : 10/730,706  
Page No. : 11

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With this specification amendment, Applicant submits that the specification objections are overcome and should be withdrawn.

III. Claim Rejections Under 35 U.S.C. §112, Second Paragraph

As previously presented, claims 9-15 were rejected under 35 U.S.C. §112, Second Paragraph. Applicant has amended independent claim 9 to recite that the base is “adapted to be” secured to at least one of an arm and a wrist. Accordingly, Applicant submits that the §112, Second Paragraph, objection is overcome and should be withdrawn.

IV. Allowable Subject Matter

Applicant thanks Examiner Hwang for the statement that claims 2 and 10 would be allowable if rewritten in independent form, and, with respect to claim 10, rewritten to overcome the 35 U.S.C. §112, Second Paragraph, rejection. Claims 2 and 10 have been so amended, and it is respectfully submitted that they are now allowable.

V. Prior Art Rejections Based on Villepigue

As previously presented, claims 1, 3, and 5-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,059,694 to Villepigue (“Villepigue”). Villepigue is directed to an exercise glove including finger elements 42 that are integral with and attached to a common piece 40. The common piece 40 includes a hook member 48 that secures the common piece 40 to the wrist piece 38 at a specific single attachment location corresponding to the grip member 46.

Applicants respectfully submit that Villepigue does not anticipate amended independent claim 1 because Villepigue fails to disclose: (a) a plurality of tubular finger elements that receive and at least partially extend or flex a finger; (b) a hook-and-loop attachment

element/hook-and-loop attachment area; or (c) an attachment element that is releasably positioned at any of a plurality of different positions on the attachment area to provide a plurality of different tensions in the anchor. In contrast, the Villepigue finger elements are strips of material that extend along the dorsal of the fingers—they are not tubular. Further, the hook member 48 and separate grip member 46 are not a hook-and-loop construction. Finally, the hook member 48 is joined to the grip member 46 at a *single* location with a *single* attachment element—the hook 48. This construction clearly does not enable attachment of the hook 48 at a plurality of *different* locations to provide *different* tensions—it provides *one* connection and *one* tension in only *one* contemplated position.

Accordingly, Applicant respectfully submits that amended independent claim 1 is not anticipated by Villepigue, and therefore the rejections based on this reference are improper and should be withdrawn.

Claims 3 and 5-8 depend from amended independent claim 1 and are therefore allowable for at least the reasons noted above in connection with that claim.

Applicant further submits that new claim 22 is not anticipated by Villepigue. For example, Villepigue does not disclose: (a) a plurality of digit elements at least partially extending a digit; (b) a plurality of anchors and a plurality of different attachment points wherein attachment of the anchors at different points adjust the tension transmitted through the anchor; or (c) a plurality of anchors including at least one anchor on the dorsal side of the hand and another anchor on the palm side of the side. In contrast, the Villepigue hand exerciser finger elements 42 only provide resistance when digits are flexed to exercise the fingers—they do not extend the fingers. Second, the single hook 48 of Villepigue joins with the single grip member 46 at one location to provide a *single*,

specific resistance. There are no plurality of attachment points or different tensions provided by the same in Villepigue. Further, Villepigue does not contemplate an anchor on the dorsal side and another anchor on the ulner side of the hand.

Accordingly, Applicant respectfully submits that new independent claim 22 is not anticipated by Villepigue.

VI. Prior Art Rejections Based on Wiggins

As previously presented, claims 1, 3-4, 9 and 11-15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,697,103 to Wiggins (“Wiggins”).

Wiggins is directed to another exercise glove. As shown in Fig. 4, the glove includes finger elements 326, 328, 322 and 320 and tension anchors 372, 370, 368, 366, respectively. The tension anchors are anchored to a wrist-mounted base, which is integral and connected to the remainder of the glove including the finger elements, via a hook-and-loop fasteners 412.

With respect to amended independent claim 1, Applicant respectfully submits that this claim is not anticipated by Wiggins because Wiggins fails to disclose: (a) a tubular finger element at least one of partially extending and flexing a finger; (b) an attachment element originating distal from each tubular finger element; or (c) a base and flexible hand piece being separate components, joined substantially only by the attachment element, wherein each of the base and flexible hand piece are adapted to be separately donned by the wearer. In contrast, the finger elements of Wiggins 326, 324, 322 and 320 are explained as being “flexible, lightweight and machine washable, and can be made of leather, cloth or a combination thereof.” Col. 2, Lns. 56-58. Wiggins also states in his invention, “[r]ubber bands are placed on the outer portion of the fingers of the glove so that when the

hand is closed, the rubber bands stretch, when the rubber bands retract, the fingers are pulled up and are straightened out.” Col. 2, Lns. 19-22. Thus, it is the Wiggins *rubber bands*, i.e. the tension anchors 372, 370, 368 and 366, that partially *extend and/or flex* the fingers. The finger elements 326, 324, 322 and 320—which are explained as being flexible—do not provide any extension or flexing to the finger as recited in the amended claim 1. Further, each of the anchors 366, 368, 370, 372 necessarily originate at and extend along the finger elements 320, 322, 324, 326 and 328—rather than originate distal from the finger elements. Finally, the Wiggins glove is a one-piece glove that is donned by inserting a hand into it. There are no multiple separate components to don by a user.

Accordingly, Applicant respectfully submits that amended independent claim 1 is not anticipated by Villepigue; and therefore the rejections based on this reference are improper and should be withdrawn.

Claims 3, 4 and 8 depend from amended independent claim 1 and are therefore allowable over Wiggins for at least the reasons noted above in connection with that claim. In addition, for example, Villepigue fails to disclose an anchor positioned on the ulnar side of the hand and extending toward the base on the ulnar side of the hand (amended dependent claim 4). In contrast, all of the Villepigue anchors are on the dorsal side of the hand—indeed they must be to provide the desired flex during resistance exercise.

With respect to amended independent claim 8, Wiggins does not anticipate this claim because it fails to disclose: (a) a base that is physically separated from the extending means by a distance; (b) a tension means providing the only connection between the extending means and the base; or (c) a base and extending means adapted to be separately donned by a wearer. Again, the

base of Wiggins is necessarily attached to the remainder of the glove, and there are no separate components.

Accordingly, Applicant respectfully submits that amended independent claim 8 is not anticipated by Villepigue; and therefore the rejections based on this reference are improper and should be withdrawn.

Claims 11-15 depend from amended independent claim 9 and are therefore allowable over Wiggins for at least the reasons noted above in connection with that amended independent claim.

With respect to new claim 22, Wiggins also does not anticipate this new claim because it fails to disclose: (a) a common piece connected to a plurality of finger elements but separated a distance from the base; or (b) a plurality of anchors including at least one anchor on the dorsal side of the hand and another anchor on the ulnar side of the hand. Again, the Wiggins base 410 is connected directly to the common piece and the remainder of the Wiggins glove to form a one-piece glove. Further, Wiggins contemplates anchors only on the dorsal side of the hand.

Accordingly, Applicant respectfully submits that new independent claim 22 is not anticipated by Villepigue; and therefore the rejections based on this reference are improper and should be withdrawn.

### CONCLUSION

In view of the above amendments and Remarks, Applicant respectfully submits that the present application is in condition for allowance. A notice to that effect is earnestly and

Applicant : Allan T. Priore  
Appl. No. : 10/730,706  
Page No. : 16

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respectfully requested. If the examiner believes that it would be helpful to resolve any outstanding issues, the examiner is invited to contact the undersigned.

Respectfully submitted,

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